



# Jeff Mursau

STATE REPRESENTATIVE • 36<sup>TH</sup> ASSEMBLY DISTRICT

## **Assembly Bill 673 Expanding Receivership Authority to All Municipalities 2/12/08**

### **Representative Jeffery Mursau**

Chairperson Gottlieb and members of the Assembly Committee on Urban and Local Affairs:

I am here today to speak in favor of Assembly Bill 673, which expands the ability of municipalities to abate nuisances through the receivership process.

Under current law, nuisances include: bawdyhouses, drug houses, criminal gang houses, places of gambling and dilapidated buildings. Municipalities have two primary ways to deal with these problems, through municipal fines or through condemnation.

The first step in dealing with a nuisance property is usually to issue a fine. This often works with landlords who have fairly minor problems in need of correction. I would like to state that the vast majority of landlords in this state are responsible members of the community who do a good job in maintaining their property. Often a fine is more than enough to deal with any problem that may arise.

However, there are some landlords who view fines as simply part of the cost of doing business. These landlords will either pay the fine without correcting the problem or, if the fine is particularly steep, fight it in municipal and circuit court. Many of these landlords live out of town or even out of state and have no attachment to the community in which their property is located. The fine process is not able to properly deal with landlords of this type.

If issuing a fine is more or less a slap on the wrist, the condemnation process is the sledgehammer approach. This can be achieved either through an 823.114 judgment if the property is a drug or gang house, or a raze order if the building is dilapidated. Either process is expensive and time consuming for the municipality and often, may not be in the best interest of the community.

There is a third option under the statutes, however. This is the use of receivership authority under chapter 823.23. Under this statute, the municipality may apply to a circuit court appoint a receiver to abate the nuisance at the property. A receiver may be a housing, community development, or redevelopment authority or a non-profit corporation that specializes in nuisance abatement. The receiver effectively becomes the new

landlord and works under the supervision of the circuit court to abate the nuisance. Once the nuisance is abated, control of the property is returned to the owner. Unfortunately, this authority is reserved for 1<sup>st</sup> and 2<sup>nd</sup> class cities.

AB 673 expands receivership authority under chapter 823.23 to all municipalities. When the process was first introduced, it may have made sense to limit the authority to 1<sup>st</sup> and 2<sup>nd</sup> class cities. I believe this is no longer the case. Crime does not recognize municipal boundaries. We need to give our local officials the tools they need to combat public nuisances.

Thank you for allowing me to testify in favor of AB 673.